

**SECTION 51 MANUAL**  
**In terms of the Promotion to Access to Information Act no 2 of 2000**

**INSCAPE EDUCATION GROUP PROPRIETARY LIMITED**  
(“the company”)

**2002/028979/07**  
Registration Number

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**HL BÜHRS**  
**CHAIRMAN**

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## **1. THE MANUAL**

### **1.1 OBJECTIVES OF THE ACT**

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), which came into effect on the 9<sup>th</sup> of March 2001, seeks to advance the values of transparency and accountability in South Africa. In 1996, The South African Constitution provided guidelines influencing the statutory right of access to information on request, held by the state as well as held by private bodies. The Act established the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

### **1.2. SCOPE OF THE MANUAL**

This manual (“Manual”) has been prepared by the company and applies to all of the private bodies described in Annexure 1. It is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by the company in terms of the Act.

Specifically, the Manual provides information on:

- the contact details of the information officer;
- the main business of the company;
- the subjects and categories of records that are held by the company;
- records that are automatically available, without a person having to request access;
- records that are available in terms of any other legislation; and
- the procedure that needs to be followed to obtain access to a record.

### **1.3 COMPANY & INFORMATION OFFICER DETAILS**

1.3.1 The Company is a private company incorporated in terms of the Company laws of the Republic Of South Africa.

1.3.2 The main business of The Company is: Provision of Educational Services.

1.3.3 The Company has no subsidiaries.

1.3.4 The company employs 106 staff members.

1.3.4 Information Officer:

The Information Officer shall ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

#### **The Information Officer:**

INSCAPE EDUCATION GROUP PROPRIETARY LIMITED

Att: Mrs. HL Bührs

Physical Address: 193 Corobay Avenue, Waterkloof Glen, Pretoria, 0102

Postal Address: Postnet Suite 104, Private Bag X19, Menlo Park, 0102

Tel: +27 (12) 346-2189

Fax: +27 (86) 409-1627

E-mail: [principal@inscape.co.za](mailto:principal@inscape.co.za)

Website: [www.inscape.co.za](http://www.inscape.co.za)

### **1.4 DISSEMINATION AND AVAILABILITY OF THE MANUAL**

Copies of the manual will be distributed in terms of Section 51(3) and Regulation 187 of 15 February 2002 to:

1.4.1 The South African Human Rights Commission

Postal Address: Private Bag 2700, Houghton 2041

Street Address: 29 Princess of Wales Terrace, Parktown, Johannesburg

Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za).

(A copy of this manual was delivered to the above street and email address)

1.4.2 The company is registered as a member with the following controlling bodies:

1.4.2.1 Department of Education and Training;

1.4.2.2 Council of Higher Education;

1.4.2.3 South African Qualifications Authority;

1.4.2.4 National Qualifications Framework.

1.4.3 The manual will be available for public inspection during office hours and upon request at the said business address.

1.4.4 The manual will be available for public inspection on the website (if available)

## **2 ENTRY POINT FOR REQUESTS**

The CEO of the company has delegated his/her powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on his/her behalf. All requests in terms of the Act must be addressed to the Information Officer with details given in clause 1.3.4 above.

## **3 WHO MAY REQUEST ACCESS TO INFORMATION**

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- a past student;
- a personal requestor, that is a person who requests information about him / herself;
- an agent requestor, that is a person requesting information on behalf of someone else;
- a third party requestor, that is a person requesting information about someone else; or
- a public body, requests information in the public interest.

## **4 GUIDANCE TO REQUESTORS**

The Human Rights Commission is required by law to compile a guide (“the Guide”) that will include the following:

- a description of the objectives of the Act;
- the relevant information of every private body as applicable;

- the manner and form in which requests must be lodged;
- the remedies available to requestors should a body not comply with the Act;
- the manner in which an appeal can be lodged;
- the fees payable in relation to requests for access; and
- a reference to any regulations passed.

The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

This guide and additional information may be requested from the South African Human Rights Commission at:

**South African Human Rights Commission - PAIA Unit**

Private Bag 2700

Houghton, 2041

**Human Rights Advice**

Tel: 0860 120 120

Fax: (011) 484 1360

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## **5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

### **5.1 UNLIMITED REQUESTORS**

The following information is available without special request. Records that are kept automatically available to the public are records of the Company lodged in terms of government requirements with various statutory bodies, including the Companies and Intellectual Properties Commission (“CIPC”) and the Registrar of Deeds, all marketing and advertising material published by the company and all records available on the company’s website.

## **5.2 LIMITED REQUESTORS**

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act 75 of 1997;
- Companies Act 71 of 2008;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 Of 1962;
- Labour Relations Act 66 of 1995;
- Protection of Personal Information Act of 2013;
- South African Revenue Services Act of 1997;
- Skills Development Act 97 of 1998;
- Unemployment Contributions Act No 4 of 2002;
- Unemployment Insurance Act 63 of 2001;
- Higher Education Act 1997 Act 101 of 1997.

## **6 PROCEDURE**

### **6.1 PRESCRIBED ACCESS FORM**

In order for us to facilitate your access to a record, you need to complete the attached prescribed access form. Please take note that the prescribed access form must be completed in full and that failure to do so may result in the process being delayed until such additional information is provided.

### **6.2 PROOF OF IDENTITY**

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

### 6.3 PRESCRIBED FEES

Please take note that a request will not be processed until the request fee and/or the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: this fee is payable with respect to all records that are automatically available;
- Request/Administration fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor himself/herself), before the request is considered and is not refundable;
- Access fee: which is payable once access to a record is granted, this fee is intended to re-imburse the company for the costs involved in searching and preparing the record for delivery;
- Deposit: which is payable if the company receives a request for access to information about a person other than the requestor himself/herself and where the preparation of the record will take longer than six hours.

#### 6.3.1 REPRODUCTION FEES

The applicable fees (excluding VAT) for reproduction as referred to above are:

|   |         |
|---|---------|
| Photocopy of an A4 size page (each)           | R1.50   |
| Printing of an A4-size page(color) (each)     | R6.95   |
| Printing of an A4 page (black & white) (each) | R2.50   |
| Copy of a file onto a USB electronic medium   | R65.00  |
| Reproduction of information on a CD or DVD    | R150.00 |

#### 6.3.2 REQUEST FEE/ADMINISTRATION FEE

A request fee of R330.00 (2016 fee) is payable upfront where a requestor submits a request for access to information on anybody else other than the requestor himself/herself.

#### 6.3.3 ACCESS FEE

The applicable fees (excluding VAT) which will be payable are:



|   |   |        |
|---|---|--------|
| • | for every A4 photocopy  | R1.10  |
| • | for every printed page (A4-size)  | R0.75  |
| • | for a copy of file onto USB electronic medium:                                    | R7.50  |
| • | Reproduction of information on a CD or DVD:                                       | R25.00 |
| • | to search a record that must be disclosed, per hour<br>or part of the hour        | R75.00 |
| • | where a copy of the record needs to be posted the<br>actual postal fee is payable | TBA    |

#### **6.3.4 DEPOSIT**

Where the company receives a request for access to information, payment of the following is required immediately:

- request/administration fee of R330.00 (2016 fee); and
- a deposit of fifty percent (50%) of the reproduction and access fees payable.

## **7 GRANTING OR REFUSAL OF REQUESTS**

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act. Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information of a third party;
- mandatory protection of records privileged from production in legal proceedings;
- commercial information of the private body; and
- mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act, the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested

information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

## **8 APPEAL**

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available to a private body will be to approach a court of law.

## **9 CLASSES OF RECORDS OF THE COMPANY**

### **9.1 SCOPE**

The Information contained in this chapter is intended to identify the main classes of records held within the company. Further assistance in identifying records held by the company is obtainable from the Information Officer.

### **9.2 CATEGORIES AND SUBJECTS OF RECORDS**

The following records are kept by the company:

- Financial records;
- Internal correspondence:
  - Minutes of director's meetings;
  - Minutes of shareholder meetings;
  - Minutes of management meetings;
  - Correspondence with third parties – 3 years; and
  - Minutes of management meetings;
- Agreements
  - Purchase and sale agreements;
  - Rental and lease agreements; and
  - Service and agency agreements;
- Personnel records
  - Letters of appointment;
  - Personnel information;
  - Leave records;

- Promotion/increment increase letters;
- Details of disciplinary hearings/matters; and
- Information technology records and databases;
- Financial records stored on server;
- Software license agreements;
- Safety records;
- Academic records of students.

**9.3 FURTHER INFORMATION AND ASSISTANCE**

Further information regarding the subjects and categories or records listed herein are available from the information officer. Other information as may be prescribed by section 51(1) (f) may be obtained by the Minister of Justice and Constitutional Development.

**10 USEFUL REFERENCES**

|  |   |
|--|---|
| The Human Rights Commission                | <a href="http://www.sahrc.org.za/paia.htm">http://www.sahrc.org.za/paia.htm</a>                           |
| The Promotion of Access to Information Act | <a href="http://www.gov.za/gazette/acts/2000/a2-00.pdf">http://www.gov.za/gazette/acts/2000/a2-00.pdf</a> |

